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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/450,679	11/30/1999	TSUTOMU ANDO	35.C14073	8002

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EXAMINER

VU, KIEU D

ART UNIT PAPER NUMBER

2173

DATE MAILED: 11/19/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

14

Office Action Summary

Application No.

09/450,679

Applicant(s)

ANDO, TSUTOMU

Examiner

Kieu D Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 11-15, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Stefik et al ("Stefik", EP 0715246 A1.)

Regarding claims 1, 11, and 22, Stefik teaches steps for image processing comprising an identifying step of identifying object having copyright-protected information among objects (page 5, lines 15-19) and generating the scene for displaying, on the basis of an identification result of said identifying step, so that the constructed scene does not include the object identified in said identifying step (line 58 of page 2 to line 2 of page 3) until a predetermined authenticating process is finished (page 5, lines 57; page 6, lines 43-47) and displaying the constructed scene (page 3, lines 48-53).

Regarding claims 2 and 12, Stefik teaches the comprising a reproduction inhibiting step of inhibiting a reproduction of video/audio in the case where the object which is not included in the constructed scene is accompanied with video/audio data (inherent; page 4, lines 44-45; page 3, lines 1-2).

Regarding claims 3 and 13, Stefik teaches that in the case where the object which is not included in the constructed scene is accompanied with the video/audio

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data, synchronizing the display of the object with the reproduction of said video/audio when the object become included in the constructed scene (page 9, lines 54-57).

Regarding claims 4 and 14, Stefik teaches steps for image processing method comprising an identifying step of identifying object having copyright-protected information among objects (page 5, lines 15-19), classifying means for classifying the object identified by said identifying means in a first group and classifying the other objects in a second group (page 6, lines 34-37) and a display control means for generating the scene for displaying on the basis of the groups classified by said classifying means (page 6, lines 37) so that the constructed scene does not include the object having copyright-protected information (line 58 of page 2 to line 2 of page 3) that has not been authenticated (page 5, lines 57; page 6, lines 43-47) and displaying the constructed scene (page 3, lines 48-53).

Regarding claims 5 and 15, Stefik teaches that said classifying means further classifies the object identified by said identifying means and video/audio data associated with the object in the first group and classifies the other objects and video/audio data associated with said other objects in the second group (page 6, lines 34-37; page 4, lines 44-45).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-10 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik et al ("Stefik", EP 0715246 A1) and Casalino et al ("Casalino", MPEG-4 Systems, concepts and implementation.)

Regarding claims 6, 16, and 21, Stefik teaches an image processing apparatus comprising receiving means for receiving scene data describing a scene, media data associated with said scene data, and copyright-protected data (page 5, lines 15-19); separating means for separating all of the data received by said receiving means; access control means for controlling accesses to the scene data and the media data separated by said separating means on the basis of the copyright protected data separated by said separating means (page 6, lines 34-37); media decoding means for decoding the media data separated by said separating means; scene decoding means for forming copyright-protected scene data and copyright-unprotected scene data from the scene data separated by said separating means on the basis of the copyright-protected data separated by said separating means (inherent); and rendering means for rendering the scene on the basis of the media data decoded by said media decoding means and the copyright-protected scene data and the copyright-unprotected scene data formed by said scene decoding means (page 6, lines 34-37). Stefik does not teach that the object is a 3-dimensional object. However, such feature is known in the art as taught by Casalino et al ("Casalino", MPEG-4 Systems, concepts and implementation). Casalino teaches that the object is a 3-dimensional object (page 511, lines 1-4 of section 5.1.1). It would have been obvious to one of ordinary skill in the art, having the teaching of Stefik and Casalino before him at the time the invention was

made, to modify the image processing steps taught by Stefik to include the 3-dimensional object taught by Casalino with the motivation being to enable the system to process 3-dimensional object.

Regarding claims 7 and 17, Stefik teaches that said copyright-protected scene data describes a scene which is rendered after authentication, and said copyright unprotected scene data describes a scene which is rendered irrespective of the authentication (inherent).

Regarding claims 8 and 18, Casalino teaches instructing means for giving an instruction for an access timing in said access control means in order to adjust a timing for the rendering by said rendering means (inherent).

Regarding claims 9 and 19, Stefik teaches an image processing apparatus comprising detecting means for detecting a copyright protection node from a language describing a scene (page 2, lines 47-52); identifying means for identifying an object designated by the copyright protection node detected by said detecting means (page 5, lines 15-19) so that the constructed scene does not include the object identified in said identifying step (line 58 of page 2 to line 2 of page 3) until a predetermined authenticating process is finished (page 5, lines 57; page 6, lines 43-47) and displaying the constructed scene (page 3, lines 48-53). Stefik does not teach that the object is a 3-dimensional object. However, such feature is known in the art as taught by Casalino et al ("Casalino", MPEG-4 Systems, concepts and implementation). Casalino teaches that the object is a 3-dimensional object (page 511, lines 1-4 of section 5.1.1). It would have been obvious to one of ordinary skill in the art, having the teaching of Stefik and Casalino before him at the time the invention was made, to modify the image

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processing steps taught by Stefik to include the 3-dimensional object taught by Casalino with the motivation being to enable the system to process 3-dimensional object.

Regarding claims 10 and 20, Casalino teaches that said language is a VRML (page 507, section 3.2).

5. Applicant's arguments filed 08/29/03 have been fully considered but they are not persuasive.

In response to Applicant's argument that "Stefik et al fails to disclose or suggest constructing a scene from a plurality of objects on the basis of an identification result...", Applicants' attention is directed to text of line 58 of page 2 to line 2 of page 3 where Stefik teaches that partial access can be granted.

Casalino teaching is used to teach three-dimensional objects. Casalino teaching is used to combine with Stefik teaching. Applicant's argument against Casalino teaching is not persuasive since the argument attacks the Casalino teaching individually. It is noted that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu whose telephone number is (703-605-1232). The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703- 308-3116).

The fax phone number for the organization where this application or proceeding is assigned are as follows:

(703)-872-9306

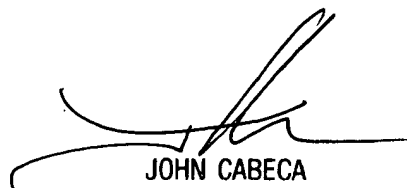
and / or:

(703)-746-5639 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

11/11/03


JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100